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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,185	06/12/2001	Stephen Gold	1509-187	1425
22429	7590	09/24/2004	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 /310 ALEXANDRIA, VA 22314			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,185

Applicant(s)

GOLD ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al. (US 5,848,270).
4. As per claim 1, DeLuca teaches the invention substantially as claimed including a method of managing a plurality of user accounts assigned to a computer entity [col. 1, lines 7-9], said method comprising the steps of:

determining an overall predicted future utilization of functionality of said computer entity which will be required to support said plurality of user accounts [col. 2, lines 49-52; col. 5, line 47 – col. 6, line 14];

comparing said predicted utilization of functionality with a currently available amount of unused functionality of said computer entity [col. 3, lines 5-8; col. 11, line 61 – col. 12, line 44].

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Additionally, DeLuca teaches the step of looking for another computer entity [i.e., server system] if the existing computer entity does not meet the requirement [col. 12, lines 57-61]. DeLuca does not specifically teach the step of disallowing a new user account onto said computer entity depending upon a result of said comparison. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disallow a new account when the computer entity does not have capability to handle it based on logic reason. One of ordinary skill in the art would have been motivated to modify DeLuca's system with the simply rejecting step to avoid overloading of the computer entity.

5. As per claim 2, DeLuca teaches the step of generating a predicted usage of functionality provided by said computer entity for each user account over a pre-determined look ahead period [col. 5, lines 46-65].

6. As per claims 3 and 4, DeLuca teaches the step of generating a predicted usage of functionality provided by said computer entity to for each user account over a pre-determined look ahead period by applying a trend prediction algorithm to a historical data describing an actual historical utilization of said functionality by said user account [col. 5, line 46 – col. 6, line 14; col. 6, line 30 – col. 10, line 67].

7. As per claim 5, DeLuca teaches the step of predicting a future utilization of at least one said user account by applying a pre-determined percentage rate of increase to

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a current utilization of said user account.

8. As per claim 6, DeLuca teaches the step of determining a future utilization of a user account by estimating said future utilization at a same value as said current utilization of functionality provided by said computer entity to the user account [col. 6, line 30 – col. 10, line 67].

9. As per claims 7-9, since they are apparatus claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

10. As per claim 12, since it is a function claim of claim 1, it is rejected for the same basis as claim 1 above.

11. Claims 10-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al. (US 5,848,270) as applied to claims 1-9 and 12 above, in view of Datta et al. (US 6,209,033).

12. As per claims 10-11 and 13-14, DeLuca teaches the invention substantially as claimed in claim 1. DeLuca does not specifically teach the steps of generating a warning alert message when a predicted utilization of the data storage approaches the available storage capacity and modifying the parameter of the comparison by the administrator.

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13. However, Datta on the other hand teaches the steps of generating a warning alert message when a predicted utilization of the data storage approaches the available storage capacity and modifying the parameter of the comparison by the administrator [col. 5, lines 62-67; col. 12, lines 40-51]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of DeLuca and Datta because doing so would increase the accuracy of the prediction by calculating the results based on various parameters. One of ordinary skill in the art would have been motivated to modify DeLuca's system with Datta's warning and modifying step to increase the reliability of the system.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lim (Pub. No. 2002/0002626) discloses a multimedia service system;
Goldszmidt et al. (Pub. No. 2002/0019873) discloses a modeling system;
Shinmura et al. (US 5,193,171) discloses a storage management system; and
Mizuno et al. (US 5,671,410) discloses a storage capacity determining system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

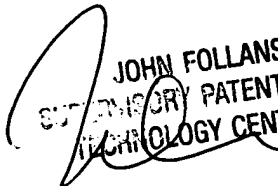
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 16, 2004

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100